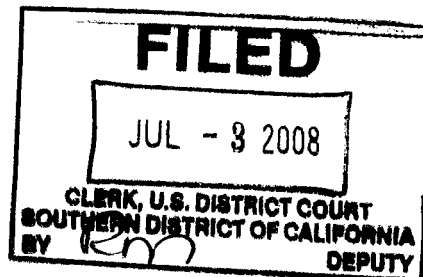


NEHEMIAH ROBINSON J-11342  
CALIPATRIA STATE PRISON (ASU, E-POD #148)  
P.O. BOX 5008  
CALIPATRIA, CA. 92233



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON,

Plaintiff,

v.

T. CATLETT/ET,AL.,

Defendants.

08-CV-00161-H (BLM)

PLAINTIFFS' NOTICE OF FIRST  
AMENDED COMPLAINT, AND  
DECLARATION OF PLAINTIFF  
THEREWITH.

HEARING: JULY 28, 2008  
TIME: 9:00 A.M.  
COURT ROOM: SUITE 5140  
JUDGE: THE HONORABLE  
BARBARA L. MAJOR

TO THE HONORABLE COURT AND DEFENDANTS':

NEHEMIAH ROBINSON, PLAINTIFF, PRO'SE, PUTS THE COURT ON NOTICE THAT ON JUNE 29, 2008, PLAINTIFF SUBMITTED HIS FIRST AMENDED COMPLAINT AND DECLARATION OF PLAINTIFF THEREWITH, TO CORRECTIONAL OFFICER A. LARA, BY PLACING THE ORIGINAL AND TWO COPIES INSIDE OF A MEDIUM-SIZED MANILA ENVELOPE, ADDRESSED TO: CLERK OF U.S. DISTRICT COURT, 880 FRONT STREET, ROOM 4290, SAN DIEGO, CA. 92101-8900. PURSUANT TO F.R.C.P. 15(a) WHICH STATES THAT "A PARTY MAY AMEND THE PARTY'S PLEADING ONCE AS A MATTER OF COURSE AT ANY TIME BEFORE A RESPONSIVE PLEADING IS SERVED." AN ANSWER IS A RESPONSIVE PLEADING, BUT A MOTION TO DISMISS IS NOT. AND THE COURT HAVE NOT RULED ON THE DEFENDANTS' MOTION TO DISMISS PLAINTIFFS COMPLAINT. THUS, PLAINTIFF HAVE A RIGHT TO AMEND THE COMPLAINT ONCE TO CORRECT THE DEFECTS IN PLAINTIFFS COMPLAINT.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY  
THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON JUNE 29, 2008.

SIGNATURE: M. Neh R.  
NEHEMIAH ROBINSON  
PRO'SE

## VERIFICATION

STATE OF CALIFORNIA  
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, NEHEMIAH ROBINSON J-71342 DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE PLAINTIFF IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 30<sup>TH</sup> DAY OF: JUNE 2008 AT CALIPATRIA  
STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)

Mr. Nehemiah Robinson

(DECLARANT/PRISONER)

## PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, NEHEMIAH ROBINSON J-71342 AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002. CALIPATRIA, CALIFORNIA #92233-5002.

ON JUNE 30, 2008 I SERVED THE FOREGOING: PLAINTIFFS' NOTICE OF MOTION AND MOTION REQUESTING A FORTY-DAY EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTION TO DISMISS PLAINTIFFS COMPLAINT, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT, DECLARATION OF D. BELL, REQUEST FOR JUDICIAL NOTICE, AND PLAINTIFFS NOTICE OF FIRST AMENDED COMPLAINT AND DECLARATION OF PLAINTIFF THEREWITH, AND DECLARATION OF PLAINTIFF ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

CLERK OF U.S. DISTRICT COURT  
880 FRONT STREET, ROOM 4290  
SAN DIEGO, CA. 92101-2900

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF ATTORNEY GENERAL  
110 WEST A STREET, SUITE 1100  
P.O. BOX 85266  
SAN DIEGO, CA. 92186-5266  
ATTN: MS. SYLVIE P. SNYDER  
(DEPUTY ATTORNEY GENERAL)

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: JUNE 30, 2008.

Mr. Nehemiah Robinson

(DECLARANT/PRISONER)